

Submitted July 14, 2012
Approved as of
Date July 14, 2012

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS
MEETING NO. 03-12
Saturday, March 10, 2012**

The City of Rockville Board of Appeals convened in regular session in the Mayor and Council Chambers at 9:30 a.m., Saturday March 10, 2012.

PRESENT

Steven Wilcox, Chair
Peter Mork
Stephen Ravas
W. Thomas Curtis, Alternate
Tom Moore, Council Liaison

Staff Present: Cindy Walters, Senior Assistant City Attorney
Jim Wasilak, Chief of Planning
Bobby Ray, Principal Planner

I. PUBLIC HEARING

- A. **Reconsideration of Variance Application VAR2012-00029 for 1208 Allison Drive, Ana Christina Erazo** – reconsideration of a denied variance application to allow the expansion of an existing accessory structure in the R-60 zone.

Bobby Ray presented the Reconsideration of Variance application.

Christina Erazo, owner of the property, presented her request for reconsideration and answered questions from the Board.

The Public Hearing was opened and the following speaker addressed the Board:

MaryAnn Barnes, 1204 Allison Drive, is in support of Ms. Erazo's proposed addition.

Dr. Mork motioned, seconded by Dr. Wilcox to partially grant VAR2012-00029, to allow an addition of 100 square feet for a single accessory structure, and to not grant a 151 square foot variance for the total lot coverage. In terms of the findings:

Finding #1– Dr. Mork moved that size alone is not sufficient justification against public interest as noted in the staff report and there is no evidence that the requested variance would be contrary to the public interest;

Finding #2 – the peculiarity of the property owes to the specific locations of the current garage and house including architectural features such as doors and windows on the back of the house, which prevent extending the house, but that the Board didn't find any peculiarities that would justify exceeding 600 square feet of lot coverage;

Finding #3 – a literal application of the rules would be to have two separate accessory structures, and that a practical difficulty arises from the non-functional and or dangerous nature of a 100 – 110 square foot workshop;

Finding #4 – as indicated in the staff report, the resulting structure would be appropriately scaled and sized, relative to the natural and built environment.

The motion passed on a 2-1 vote with Mr. Ravas dissenting.

Mr. Ravas stated his agreement with Findings #1 and #4. He dissented on the Findings that elements 2 and 3 were met. He doesn't believe that the facts show there are inherent characteristics in the applicant's property not shared by properties in the area, nor does the evidence support that there are unusual architectural aspects with respect to the current accessory building. Likewise he doesn't believe that practical difficulty was shown and the evidence does not support that the ordinance does not prevent the owner from using their property for its intended purpose, and the property owner could use the accessory building for other purposes by removing some of the items from the building. Finally he does not believe the applicant has demonstrated that it is not impossible to make reasonable use of the property.

II. NEW BUSINESS

Dr. Mork moved, seconded by Mr. Ravas to change the start time of all future Board of Appeals meetings from 9:30 a.m. to 9:00 a.m. beginning April 14, 2012. The motion passed on a 3-0 vote.

III. OLD BUSINESS

No old business.

IV. MINUTES

- A. Dr. Mork moved, seconded by Mr. Ravas to approve the February 11, 2012 minutes with the noted change. The motion passed on a 3-0 vote.
- B. Dr. Mork moved, seconded by Mr. Ravas to approve the February 16, 2012 minutes. The motion passed on a 3-0 vote.

V. FYI INFORMATION

VI. ADJOURN

There being no further business to come before the Board, the Chair adjourned the meeting at 12:39 p.m.

Respectfully Submitted

Sandra Y. Driver, Commission Secretary